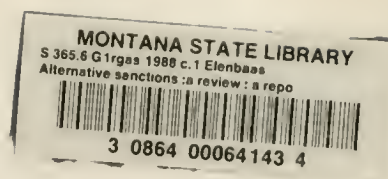


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ALTERNATIVE SANCTIONS: A REVIEW

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A Report Prepared for the Criminal Justice  
and Corrections Advisory Council

by

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April 1988

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## TABLE OF CONTENTS

	<u>Page</u>
Introduction . . . . .	1
Restitution . . . . .	5
Day fines . . . . .	7
Community service . . . . .	10
Probation fees . . . . .	12
Offender specific sentencing . . . . .	15
Intensive supervision/house arrest . . . . .	16
Diversion centers . . . . .	21
Shock incarceration . . . . .	23
Boot camp . . . . .	24
Contracted placements . . . . .	26
Pre-release centers . . . . .	27
Work camps . . . . .	29
Appendix A . . . . .	31
Appendix B . . . . .	33

## INTRODUCTION

Prison overcrowding can be reduced in one or all of the following ways: (1) by reducing the number of offenders entering prison, (2) by expanding prison capacity, or (3) by reducing length of stay in prison. The focus of this report is on approaches or alternative sanctions that are currently being used nationally to reduce prison admissions and to expand prison capacity. Methods reducing length of stay (e.g. sentencing or parole guidelines) are not addressed.

Alternative sanctions that can reduce the number of offenders entering prison include:

- restitution;
- day fines;
- community service;
- probation fees;
- offender specific sentencing;
- intensive supervision;
- house arrest;
- diversion centers;
- shock incarceration; and
- boot camp;

Alternative sanctions used to expand prison capacity include contracted placements, pre-release centers, and work camps. Intensive supervision, house arrest, shock incarceration, and boot camps may also be deemed to expand capacity, depending on the program set-up.

This report provides summary information about the approaches or alternative sanctions listed above. A description is provided for each alternative, along with a discussion on participant profiles, advantages, and disadvantages. In addition, several objectives are listed for each alternative.

Goals: Defining objectives or goals is essential when developing new programs or revising existing ones.<sup>1</sup> Unless major goals are clear, it is difficult to choose or develop appropriate and working alternatives. In addition, program designs and operations can be influenced by the relative weight given to different goals. In a report reviewing goals of various sanctions, prepared by M. Kay Harris, the author concludes that "the process of exploring goals, philosophy, and values often can be of considerable benefit in efforts to communicate more effectively, improve program design and operations, reach satisfactory compromises on how to respond to pressing problems, and develop more clear and consistent policies."<sup>2</sup>

Two charts from the Harris monograph on goals are reproduced below.<sup>3</sup> Chart 1 lists the basic characteristics of the four major goals of punishment, deterrence, treatment, and public safety. Chart 2 summarizes several similarities and differences associated with the four major goals.

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<sup>1</sup>A good discussion on goals may be found in the monograph by M. Kay Harris, entitled: The Goals of Community Sanctions, (Philadelphia, Pennsylvania: Department of Criminal Justice, Temple University, 1986). (Staff can obtain a copy for interested members.)

<sup>2</sup>M. Kay Harris, The Goals of Community Sanctions, (Philadelphia, Pennsylvania: Department of Criminal Justice, Temple University, June 1986), p. 27.

<sup>3</sup>Ibid., pp. 8,12,13.

CHART 1  
GOAL CHARACTERISTICS

Sanctioning Philosophy				
	Just Deserts	General Deterrence	Incapacitation	Rehabilitation
Other Names for This Philosophy	Retribution; Punishment; Justice Model	General Prevention	Risk Control; Preventive Restraint	Treatment; Reformation
Justification	Moral Imperative	Crime Prevention	Crime Prevention	Crime Prevention
Type of Theory	Non-Utilitarian	Utilitarian	Utilitarian	Utilitarian
Crime Prevention Strategy	None	Reduce <u>Inclination of Potential Offenders to Commit Crimes</u>	Reduce <u>Opportunity of Convicted Offender to Commit Crimes</u>	Reduce <u>Inclination of Convicted Offender to Commit Crimes</u>
Time Orientation	Past	Future	Future	Future
Focus of Theory	Offense	Potential Offenders	Convicted Offender	Convicted Offender
Basis for Validity of Theory	Persuasiveness of Moral Argument	Accuracy of Prediction	Accuracy of Prediction	Accuracy of Prediction



**CHART 2**  
**GOAL SIMILARITIES AND DIFFERENCES**

	Just Deserts	General Deterrence	Incapacitation	Rehabilitation
Basis for the Sanction	Seriousness of Offense	Predictions About How to Discourage Potential Offenders	Predictions of Offender Risk and How to Control Offender Behavior	Predictions of Offender Risk and How to Influence Offender Choices
Information Needed to Determine the Sanction	Offense Seriousness Ranking and Proportionate Penalty Ranking	Data About Calculations People Make in Deciding to Commit Crimes	Offender Characteristics Related to Risk	Offender Characteristics Related to Treatment
Key Actors	Legislature; Sentencing Commission	Legislature; Judges; Researchers	Risk Assessment Specialists; Offender Supervisors; Parole Boards	Needs Assessment Specialists; Treatment Personnel
Best Time to Determine the Sanction	Upon Conviction	Upon Conviction	After Presentence Investigation; Ongoing	After Presentence Investigation; Ongoing
Characteristics of Appropriate Sanctions	Unpleasant; Easy to Standardize; Definite; Proportionate to Offense	Uniform; Frightening; Definite	Efficient in Monitoring and Controlling Behavior; Variable	Effective in Meeting Offender Needs; Variable
Examples of Appropriate Sanctions	Financial Penalties; Loss of Leisure Time or Liberty; Community Service	Mandatory Prison Terms; Stiff Fines; Shaming	License Revocation; Blood and Urine Testing; Intense Surveillance; Curfews; Confinement	Education; Training; Psychological Services; Individual Treatment Plan

## RESTITUTION

Description: Restitution is a payment made to a crime victim by the offender for pecuniary losses incurred because of an offense. Interest in greater use of restitution has increased recently due to rising concerns for victims' rights and the search for alternatives to incarceration. In Montana, payment of restitution may be imposed as a condition of a deferred or suspended sentence.

The four most common types of restitution programs used nationally are: (1) victim/witness services, (2) victim/offender reconciliation, (3) restitution/ employment, and (4) social service and restitution.

The primary purpose of victim/witness services is to assist the victim's financial recovery from the crime. Victim impact statements are prepared, which are used to determine the proper amount of restitution. Probably because they have the victim's interests as the number one priority, victim/witness services appear to have the highest compliance rates of the four types of restitution programs.<sup>4</sup>

Victim/offender reconciliation programs attempt to: (1) assist the victim's financial recovery from the crime, (2) reconcile the victim and offender, and (3) educate offenders on the human ramifications of their crimes by meeting face-to-face with their victims. An example of a victim/offender reconciliation program is the type operated by Prisoners and Community Together (PACT) in Indiana. In this program, upon referral from the courts, staff members mediate restitution agreements between offenders

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<sup>4</sup>Lois Haight Herrington, "Dollars and Sense: The Value of Victim Restitution," Corrections Today, August 1986, pp. 156-160.

and their victims during face-to-face meetings. Eighty-six percent of these meetings were evaluated as positive by the offenders. Victim/offender reconciliation programs also have a relatively high compliance rate.<sup>5</sup>

Restitution/employment programs arrange for restitution by the offenders and assist the offenders in finding jobs to meet their restitution obligations. Restitution centers, currently operating in about 30 states, are a common method of instituting restitution employment programs. In restitution centers, offenders are confined at night while employed elsewhere during the day in order to earn money for restitution payments.

The Texas Residential Restitution Program is an example of a restitution/employment program. It only accepts offenders who would otherwise be sentenced to prison. Offenders in this program pay victim restitution, along with some room and board. Residents are evaluated by the court every three months. An offender is released to intensive probation after at least six months if the court determines he/she has accepted responsibility for payment. Regular probation is imposed after two months of successful intensive probation. Unsuccessful offenders may be sentenced to prison, with no credit for time served.<sup>6</sup>

Social service and restitution programs, in which victim payment is arranged by probation officers who meet with the victim and offender individually, are the oldest and most common form of restitution programs. The focus of these programs, however, is more on the offender than the victim. These traditional programs

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<sup>5</sup>Edna McConnell Clark Foundation, Overcrowded Time: Why Prisons Are So Crowded And What Can Be Done, (New York, New York: Edna McConnell Clark Foundation, 1982), p. 30.

<sup>6</sup>Joan Petersilia, Expanding Options For Criminal Sentencing, (Santa Monica, California: The RAND Corporation, November 1987), pp. 70-71.



are not necessarily the most effective.

Objectives: Restitution achieves the goals of punishment and rehabilitation, in addition to helping restore financial losses that the victim may have incurred from the crime. When used as an alternative to incarceration, restitution saves prison bed costs. Goals are given different priorities depending on the type of restitution program instituted.

Participant Profile: In programs in which restitution is the only penalty, the participants usually are convicted of nonviolent property offenses. The Texas Residential Restitution Program, mentioned above, accepts felony offenders who did not commit violent offenses, cause bodily injury, or use a deadly weapon.<sup>7</sup>

Advantages: Advantages are much the same as the objectives stated above. Restitution programs easily attract wide public support and are usually inexpensive to operate.

Disadvantages: A critical question is how to determine what amount of restitution is fair to the victim and feasible for the offender. Collection and enforcement of restitution orders may be difficult. Restitution orders as the sole penalty are usually not appropriate for violent offenders. In residential restitution centers that require employment, it is sometimes difficult to find businesses willing to hire offenders.

#### DAY FINES

Description: A fine is a penalty requiring payment of a sum of money for an offense that was committed; fines are usually paid to the state. In 1973 the Task Force on Corrections of the

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<sup>7</sup>Ibid., p. 70

National Advisory Commission of Criminal Justice Standards and Goals found that "properly employed, [a] fine is less drastic, far less costly to the public, and perhaps more effective than imprisonment or community service."<sup>8</sup> However, fines are not used extensively in felony criminal cases in the United States. For example, in 1980 only 9.3 percent of all felony convictions in Minnesota were punished by fines; in 1980 the Federal District Courts used fines in 14 percent of all convictions.<sup>9</sup>

A variation on fine sentencing is the use of "day fines", which addresses the arguments that fines hurt the poor more than the wealthy. The system of "day fines" has been used in Europe for several years. Sweden is the prime example of "day fines" use, where in 1979, fines comprised 90.8 percent of all sentences.<sup>10</sup>

Under a "day fine" system, the amount of the fine is based on the seriousness of the offense, while at the same time, considering the financial status of the offender. At sentencing, an offender will be required to pay a specific number of fine units or days of fines, regardless of the financial means of the offender. The fine that is imposed, however, will vary depending on the offender's financial resources. In Sweden, each unit is equal to 0.1 percent of a person's total income. The seriousness of each offense is ranked from 1-120, with minor offenses equal to one day fine and

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<sup>8</sup>Sally T. Hillsman, et al., Fines as Criminal Sanctions, (Rockville, Maryland: National Institute of Justice, U.S. Department of Justice, September 1987), p.1.

<sup>9</sup>Norval Morris, "Alternatives to Imprisonment: Failures and Prospects", Criminal Justice Research Bulletin, (Huntville, Texas: Criminal Justice Center, Sam Houston State University, 1987), p. 5.

<sup>10</sup>Ibid., p. 5.

the most serious offenses equal to 120 day fines.<sup>11</sup>

For example, a convicted felon with an annual income of \$5,000 sentenced to pay five day fines would be required to pay \$25; a felon with an annual income of \$30,000 sentenced to pay five day fines would be required to pay \$150.

Objectives: Fines address the primary goals of deterrence, punishment, and rehabilitation. Fines also help defray costs of the court system and the prison system if they are used as a diversion strategy.

Participant Profile: Nonviolent, property offenders are the targeted offenders when fines are used as an alternative to incarceration. In Europe, where "day fine" systems are used extensively, more serious offenders may also be targeted.

Advantages: Fines can be an effective punishment and deterrent, in addition to contributing to rehabilitation. Multiple sentencing goals can be met when fines are combined with other sanctions. Especially with "day fines", the seriousness of the offense and the offender's financial resources can be taken into consideration. Administrative costs are relatively low and prison bed costs can be saved when fines are used as an alternative to incarceration.

Disadvantages: Unless carefully monitored, increased use of fines may widen the net of control, rather than divert offenders from prison. Fines are inappropriate for offenders who pose a risk to the community. Punishment objectives are not met when fine amounts are low. Offenders with more money are not as affected by fine amounts as poorer offenders. Indigent offenders

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<sup>11</sup>Jody Soper, Alternatives to Prison: A Thoughtful Approach to Crime and Punishment, (Boston, Massachusetts: Unitarian Universalist Service Committee, 1979), p. 15.

are incapable of paying fines, sometimes being imprisoned because of nonpayment. Fines can be difficult to collect and add to the administrative burdens of the court.

### COMMUNITY SERVICE

Description: In a sentence requiring community service, an offender must perform a specified number of hours of work for the community without receiving monetary compensation. The work assignments are usually for a government or nonprofit organization, association, institution, or agency. With court approval, some states allow work to be performed for private organizations or disabled individuals.

Community service has usually been used for convicted offenders who could not pay their fines and then, only as an add-on to probation, rather than as an alternative to prison. However, with more emphasis being placed on finding alternatives to prison, community service is now being considered as a viable alternative. In Montana, community service may be imposed as a condition for probation in a suspended or deferred sentence. Some states allow community service to be a sentence in itself.

The most common work assignments are picking up litter on public lands or general maintenance chores. Georgia allows offenders to be live-in aides for disabled persons. For some offenses, the required task may be related to the offense, such as requiring an offender convicted of drunk driving to work in a detoxification center.

The amount of community service work required is usually determined by the judge at time of sentencing. For felonies in Georgia, the required amount of time must be between 20 and 500



hours and must be completed within three years.<sup>12</sup> In cases in which community service is imposed because of the inability to pay a fine, a ratio between work time and fine value is calculated.

An example of a private group operating a community service program for a state is the Vera Institute of Justice in New York, which was created in 1979. This program is designed for offenders who would normally be sentenced to jail. Offenders charged with violent crimes or having a history of violent crime are ineligible to participate in the program. Offenders accepted and subsequently sentenced to the program are required to perform 70 hours of unpaid labor. Offenders perform the labor at various work sites and are supervised by Vera staff. The staff also monitor attendance, transport offenders to the work sites, and attempt to locate offenders who do not report. Vera reports that in three projects about 85 percent of the participants completed their community service obligations.<sup>13</sup>

Objectives: Traditional objectives are deterrence, punishment, and an opportunity for the rehabilitation of the offender.

Participant Profile: Offenders in most programs are nonviolent, property offenders. Generally, community service is used for offenders who would receive relatively short terms of confinement.

Advantages: Community service can be an appropriate way to

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<sup>12</sup>Letter from John S. Ronania, Joint Committee on Legislative Management, Office of Legislative Research, Connecticut General Assembly, re. "Community Service Sentencing in Other States," August 1985.

<sup>13</sup>Joan Petersilia, Expanding Options For Criminal Sentencing, (Santa Monica, California: The RAND Corporation), p. 75.



repay society in cases in which the victim is the state, when no direct monetary loss has occurred, or when offenders have no way to hold a job. By diverting offenders from prison, community service can result in cost savings. Community service can achieve punishment, deterrence, and rehabilitative goals. It is becoming increasingly popular because of its restitutive nature.

Disadvantages: Community service programs are not easy to design, implement, or manage. A sizable staff is required to supervise and keep track of felons' community service. It may be difficult to find agencies willing to participate in community service programs, especially if no supervision is provided. If community service sentencing is expanded and used in Montana as an alternative to prison, widening of the net could occur by using it more often as an additional condition of probation. Agencies desiring to increase community service sentencing usually voice concerns about possible liability issues.<sup>14</sup>

#### PROBATION FEES

Description: Probation fees are fees assessed probationers for supervision services. The collected fees financially assist the supervising agency in providing probation supervision services.

Fees usually range from \$10 to \$50 per month per probationer. Common methods for determining fee amounts include basing the amount on: (1) the cost of supervision, (2) the type of offense, (3) the cost of specific programs, or (4) the offender's ability to pay. The amount of fees collected generally is not expected

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<sup>14</sup>Legal and statutory history in this area is limited. An in-depth discussion on liability can be found in the National Institute of Corrections, U.S. Department of Justice document, Liability Issues in Community Service Sanctions, by Roland V. del Carmen and Eve Trook-White, (Washington, D.C.: G.P.O., June 1986). (Staff can obtain a copy for interested members.)

to cover the total cost of services, but only to supplement them. In fact, no probation system in the country is totally funded by revenue from fees. Interesting to note is that the results of a National Council on Crime and Delinquency survey showed that agencies collecting fees did not necessarily have more resources available than agencies that did not collect fees.<sup>15</sup>

Probation fee collection began in the 1930s and 1940s in Michigan and Colorado. Fourteen states have begun collecting probation fees since 1980. As of January 1986, 24 states had probation agencies that collected fees for adult probation services.<sup>16</sup> Those states were:

Alabama	Kentucky	Oregon
Arizona	Louisiana	Pennsylvania
California	Michigan	South Carolina
Colorado	Mississippi	South Dakota
Florida	Nevada	Tennessee
Georgia	New Mexico	Texas
Idaho	North Carolina	Virginia
Indiana	Oklahoma	Washington

Objectives: The goal of probation fee programs is to shift the cost of probation from the general public to the user of the service. Punishment and treatment objectives are also realized with probation fees.

Participant Profile: The targeted offenders for probation fees are adult probationers.

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<sup>15</sup>National Council on Crime and Delinquency, Fees For Probation Services, (Madison, Wisconsin: National Institute of Corrections, U.S. Department of Justice, January 1986), p. 9.

<sup>16</sup>Appendix A provides further information on probation fees which was obtained from a nationwide survey of State agencies responsible for probation services.

Advantages: Fees can provide additional revenue for probation agencies and avoid dependence on one source of funding. Fees can be rehabilitative for the offender, helping him/her to develop accountability and responsibility and aiding in the restoration of self-esteem. Usually, fees do not create additional workload or require major time commitments, since they can be incorporated into existing collection procedures. Public opinion supports the idea of offenders paying a portion of supervision costs.<sup>17</sup>

Disadvantages: Additional sanctions may be needed for nonpayment of fees, and these sanctions may result in more revocations. The revocations may then result in more court appearances, extension of probation terms, and even increased inmate populations.

Additional arguments against probation fees can be made. Probation services are the responsibility of government, and probationers already are paying taxes to support the government. Probation fees may place additional financial burdens and problems on probationers, since court costs, fines, and restitution are frequently assessed. Probationers able to pay fees will end up paying a greater proportion of fees than those unable to pay, making punishment dependent on economic status. The basic mission of probation may change over time, since fee collection may become a higher priority than treatment and surveillance. Also, probation agencies that collect fees may become dependent on the additional revenue, which could cause problems if actual collections did not match projections.<sup>18</sup>

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<sup>17</sup>National Council on Crime and Delinquency, Fees For Probation Services, (Madison, Wisconsin: National Institute of Corrections, U.S. Department of Justice, January 1986), p. vii.

<sup>18</sup>Ibid., p. viii.

## OFFENDER SPECIFIC SENTENCING

Description: An offender specific sentencing plan is similar to a presentence investigation, except that the focus is on developing sentencing recommendations that emphasize non-incarcerative penalties. The National Center on Institutions and Alternatives (NCIA) is an example of a national organization that is very active in developing offender specific sentencing plans. Since 1979, NCIA has assisted about 5,000 clients, developing plans that were substantially accepted in 60 percent of the cases.<sup>19</sup>

The first step in offender specific sentencing is to target an offender who looks as if he/she will be sentenced to prison. The defense attorney or a private consultant or agency will then perform a complete background investigation on the offender and develop an alternative sentencing plan for the judge to review at the time of sentencing. The offender and counsel agree to the plan's terms before submitting it to the judge.

Offender specific sentencing plans may address or include any of the following components in their recommendations: (1) living arrangements, (2) community service, (3) restitution, (4) employment, (5) psychological treatment, counseling, or substance abuse therapy, (6) education, (7) vocational training, or (8) third-party supervision.<sup>20</sup>

Objectives: The primary purposes of offender specific sentencing are to protect society, repay victims and the

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<sup>19</sup>Joan Petersilia, Expanding Options for Criminal Sentencing, (Santa Monica, California: The RAND Corporation, November 1987), p. 77.

<sup>20</sup>National Center on Institutions and Alternatives, "Alternatives to Incarceration...Client Specific Planning", Institutions, Etc., August 1982, pp. 6-7.



community, punish offenders appropriately, and provide opportunities for rehabilitation. Diverting offenders from prison is also an objective.

Participant Profile: The targeted offenders for this type of program are those offenders who look as if they will be sentenced to prison. Usually the participants have prior criminal records. Offenders selected for community alternatives should not be high risks to the community.

Advantages: Offender specific sentencing allows offenders to be treated more fairly and as individuals. This type of program can divert offenders from prison. It can also achieve punishment, deterrent, public safety, and rehabilitation goals depending on the sentencing alternatives recommended.

Disadvantages: Some danger of widening the net exists if felons who would not have been sentenced to prison are handled through this type of program. The costs and time associated with the process are much higher than under normal procedures. For example, a presentence investigation takes about eight hours to complete in Montana, while a complete offender specific sentencing plan may involve 40-50 hours of work.<sup>21</sup> A question also exists as to who should develop or pay for the sentencing plans: the state, the inmate, or a volunteer or private organization.

#### INTENSIVE SUPERVISION/HOUSE ARREST

Description: Intensive supervision programs require an offender to have an increased number of contacts with a supervision officer; strict curfews may be applied in some instances. House arrest is stricter than intensive supervision, generally

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<sup>21</sup>Ibid., p. 77.



requiring confinement of convicted felons to their place of residence in the community. While under house arrest, a felon usually may leave the residence only to go to work, attend treatment programs, or for medical reasons. Employment is required in a majority of programs. Depending on the type of program, the felon may also be electronically monitored.

Several states, including Montana, have instituted intensive supervision or house arrest programs. Some of those states are:

Alabama	Indiana	Oklahoma
Arizona	Kentucky	South Carolina
California	Louisiana	Tennessee
Colorado	Maine	Texas
Connecticut	Michigan	Virginia
Delaware	Nebraska	Washington
Florida	New Jersey	West Virginia
Georgia	New York	Wisconsin
Illinois	North Carolina	

Intensive supervision/house arrest programs can be either front-end (prior to admission to prison) or back-end (after admission to prison) approaches. Variations of the front-end approach include allowing judges to sentence directly to a program (Georgia) or requesting judges to amend a sentence to prison to a sentence of intensive supervision (Montana). In some programs, recommendations to amend sentences are based upon specific guidelines (Colorado). In back-end approaches, the corrections department (Oklahoma), the paroling authority (North Carolina), or a resentencing panel of judges (New Jersey) is given the final authority to release incarcerated felons to intensive supervision or house arrest based on certain criteria or guidelines. Probation and parole violators are also eligible to participate in some programs (Georgia, Montana).

The Georgia Intensive Probation Supervision (IPS) program was implemented in 1982 and is the most popular program model for replication in the country. It is a front-end sentencing option for high risk, nonviolent offenders. Judges may sentence offenders to IPS who would otherwise be sent to prison. The supervision standards include: (1) five face-to-face contacts per week, (2) 132 hours of mandatory community service work, (3) mandatory curfew, (4) mandatory employment, (5) regular records checks, and (6) routine and unannounced alcohol and drug testing.<sup>22</sup>

Montana's Intensive Supervision Project (ISP) is modeled after the Georgia program. In ISP, however, an offender must first be sentenced to prison or scheduled to reenter prison as a parole violator. After an investigation and upon court agreement, the offender is placed on probation under suspended sentence and required to participate in ISP. This process is followed in order to ensure that only those offenders who would have gone to prison are supervised in ISP. Electronic monitoring is a required element in the beginning phases of Montana's ISP.

The New Jersey Intensive Supervision Program was implemented in 1983 and is the second most popular program model. This program is different from Georgia's in that participants are not eligible unless they are already serving a prison sentence. This is to ensure that only persons who would otherwise be imprisoned are participants. A three-judge sentencing panel approves the releases. Only offenders serving sentences for nonviolent crimes are eligible. Offenders desiring to participate in the program

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<sup>22</sup>Billie S. Erwin and Lawrence A. Bennett, New Dimensions in Probation: Georgia's Experience with Intensive Probation Supervision (IPS), (Rockville, Maryland: National Institute of Justice, U.S. Department of Justice, January 1987), p. 2.

must apply after they have served at least 30 days in prison but not more than 60 days. Offenders must prepare their own personal release plan, which must include a community sponsor. A unique aspect of this program is that an offender must successfully serve two 90-day periods in the community before being completely accepted (and resentenced) to the program. Electronic monitoring is required in some cases.<sup>23</sup>

Montana's supervised release program, although not intended to be an intensive supervision program, has aspects similar to those programs, especially a combination of the New Jersey and Oklahoma models. Supervised release provides eligible inmates with an early release into the community for the purpose of education, training, or treatment, or a work program in conjunction with any of the preceding. If Montana chose to implement a back-door type of intensive supervision/house arrest program, the current supervised release program with some alterations could provide a basic structure.<sup>24</sup>

Objectives: An intensive supervision/house arrest program can achieve the major goals of deterrence, punishment, public safety, and rehabilitation. Since many programs are operating around the nation, the range of objectives is diverse. The objective of the Montana ISP is to reduce the prison population via diversion, while: (1) providing a sentencing alternative that is cost-effective, yet maintains punishment, public safety, and treatment objectives, and (2) lessening the effect of substance abuse-related crime on the criminal justice system. Other programs also have goals to hold the offender financially

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<sup>23</sup>Joan Petersilia, Expanding Options for Criminal Sentencing, (Santa Monica, California: The RAND Corporation, November 1987), pp. 19-21.

<sup>24</sup>A discussion on Montana's Supervised Release program can be found in an unpublished report by Lois Menzies, "Supervised Release," April 1988.

responsible for his supervision and accountable for his crime by requiring restitution, community service, or payment of supervision fees.

Participant Profile: The wide range of programs around the country makes for a diverse profile of participating offenders. The strictness of the program and whether electronic monitoring is included may also determine the type of offenders in the programs. In general, participants are usually nonviolent offenders, although offenders committing more serious crimes are eligible in some cases.

For example, the New Jersey program excludes offenders whose current conviction is for homicide, robbery, or a sex crime or who are parole-ineligible. New Jersey participants are offenders who were incarcerated in prison and convicted of burglaries and major thefts, small-time drug sales by user-sellers, and frauds.<sup>25</sup>

Advantages: In addition to the advantages inherent in the objectives stated above, intensive supervision/house arrest programs also have social benefits, are responsive to local and offender needs, are less intrusive than prison, and can be implemented easily and in a short time period. Social benefits that can be realized are that family relationships may be maintained and strengthened, offenders may continue pre-offense employment, and offenders may not be psychologically damaged from being incarcerated in prison. Intensive supervision/house arrest programs can be responsive to offender and local needs in that they can be individualized and used at almost any point in the criminal justice process.

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<sup>25</sup>Frank S. Pearson, "New Jersey's Intensive Supervision Program: A Progress Report," Crime & Delinquency, July 1985, p. 397.



Disadvantages: Arguments against intensive supervision/house arrest are that it widens the net, that it focuses primarily on surveillance of the offender, that it is intrusive and possibly illegal, that race and class bias may be present in the participant selection process, and that it compromises public safety.<sup>26</sup>

## DIVERSION CENTERS

Description: A diversion or pre-incarceration center is basically a front-door version of a pre-release center. These centers are 24-hour community-based residential facilities where offenders may be placed instead of in prison. They provide a less restrictive environment than prison, while maintaining adequate security and providing treatment opportunities. Offenders may be placed in diversion centers in one of two basic ways: (1) a judge may sentence an offender directly (Georgia), or (2) corrections staff may recommend that an offender already sentenced to prison be placed in a diversion center instead (Virginia).

In Georgia, judges may sentence directly to diversion centers in most judicial districts. The programs are designed to provide close supervision, community contact and involvement, training, educational assistance, and restitution.<sup>27</sup> The Georgia centers are primarily for property offenders convicted of second and third offenses and probationers who are about to have their probation revoked.

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<sup>26</sup>Joan Petersilia, House Arrest, (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, 1988), p. 3.

<sup>27</sup>Robert Mathias and Diane Steelman, Controlling Prison Populations: An Assessment of Current Mechanisms, (National Council on Crime and Delinquency, May 1987), p. 32.



Objectives: Deterrence, public safety, and rehabilitation are the major objectives of diversion centers. Whereas pre-release centers seek to decrease the already existing prison population, diversion centers attempt to divert offenders before they enter prison.

Participant Profile: Non-violent offenders, who would otherwise be incarcerated, are the best candidates. Participating offenders should not present a clear danger to society.

Advantages: Diversion centers allow offenders to maintain the responsibility and burdens of making decisions and managing one's own life. They permit the individual to provide for himself/herself and family through employment, which also assists in the payment of victim restitution. Additionally, since offenders are diverted from prison, the negative psychological consequences associated with incarceration may be avoided.

Disadvantages: The primary criticism of diversion centers is that they widen the net. Studies have shown, that in programs in which judges sentence directly to the diversion center, many of the offenders who are sentenced to the facilities would have been placed under regular probation if the centers were not available. Therefore, if judges are to sentence directly to the programs, explicit criteria or guidelines should be developed.

Placement and start-up of a diversion center may be difficult due to community resistance against having a criminal residential facility in the community. Since public safety concerns must be satisfied, diversion centers may only be applicable for nonviolent offenders. Costs per day for diversion centers may be just as high as costs per day at a state prison.

## SHOCK INCARCERATION

Description: In shock incarceration programs, the sentencing judge may release an inmate from prison after he/she has served some portion of his/her sentence. The remainder of the sentence is served on probation or parole. The period on probation or parole may be a portion of the original sentence or may be granted upon petition by the inmate to the court to suspend execution of sentence. Programs are most successful when the offender does not know that he/she is on shock probation when sentenced. The split sentencing system used in Montana is a mild form of shock incarceration.

The Ohio program is the original model for most shock probation programs. The Ohio Legislature passed a statute in 1965 allowing judges to resentence incarcerated offenders to probation. A 1969 amendment to this statute limited the maximum period of incarceration under the program to 130 days. The statute: (1) specifies confinement in a state correctional facility, and (2) requires that the decision to combine prison and probation be made after the offender has begun to serve the sentence. Offenders who wish to participate in shock incarceration must petition the court. Until the court acts upon the petition, the offender does not know whether his/her sentence will be suspended.<sup>28</sup>

Other states using shock probation include Idaho, Indiana, Kentucky, Tennessee, Texas, Maine, and North Carolina.

Objectives: The primary goal of shock incarceration is deterrence. It is hoped that program participants will be "shocked" by the brief prison experience and be deterred from

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<sup>28</sup>Joan Petersilia, Expanding Options for Criminal Sentencing, (Santa Monica, California: The RAND Corporation, November 1987), p. 62.

committing criminal acts.

Participant Profile: Targeted offenders in shock incarceration programs are usually younger offenders convicted of low-risk crimes.

Advantages: Shock incarceration programs provide a means for the courts to impress offenders with the seriousness of their crimes, while imposing sentences that are severe enough to satisfy the demands of public opinion. They also provide a method for diverting low-risk offenders and rehabilitating young offenders through deterrence goals.

Disadvantages: Net widening is a definite possibility, since judges may sentence offenders to a shock incarceration program who would normally be placed on probation. Offenders who are sentenced to shock incarceration may lose their jobs, may have community relationships disrupted, and may be harmed by the experience of imprisonment.<sup>29</sup>

#### BOOT CAMP

Description: Boot camp programs are a variation on the shock incarceration theme. Eligible offenders are sentenced to a "boot camp" for short periods, generally from three to six months. During that time, residents are subject to rigid standards and strict military-style discipline and training. Upon successful completion of the boot camp program, offenders will normally be released or placed on probation. If an offender does not successfully complete the boot camp program, he/she will be placed in prison.

Very little free time is available to boot camp residents since

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<sup>29</sup>Ibid., p. 63.

almost all their time is scheduled. For example, in the Oklahoma Regimented Inmate Discipline (RID) program, participants "are subjected to tough physical conditioning, rigid dress codes, stiff grooming and hygiene standards, severe limitations on personal property, structured leisure and recreation activities, early lockdown, minimized idleness, intensive vocational education testing, and considerable counseling."<sup>30</sup>

Oklahoma initiated one of the first programs in 1984. Programs are also operating in Florida, Mississippi, Georgia, Louisiana, and South Carolina. The Louisiana boot camp program is merged with an intensive supervision program. That program differs from most others in that participants earn an early release through the Parole Board after successful program completion.

Objectives: The primary goals of boot camp programs are to reduce costs, provide an alternative to long-term incarceration, and rehabilitate young offenders. It is hoped that an offender who has successfully completed a boot camp program will have higher self-esteem and personal accountability and a better chance at post-release success.

Participant Profile: Participants in most programs are young, first-time offenders who have been convicted of nonviolent crimes. Good mental and physical health is also required. The Florida program usually has offenders with five- to six-year sentences who have been convicted of primarily property crimes and some second- and third-degree felonies. The Oklahoma RID program participants are mostly high school dropouts, unemployed, involved with drugs or alcohol, and have lengthy juvenile criminal records.<sup>31</sup>

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<sup>30</sup>Ibid., p. 63.

<sup>31</sup>Ibid., p. 63.



Advantages: Advantages of boot camp programs are that they divert offenders from prison and are less costly than prison. They also provide a means for the courts to impress offenders with the seriousness of their crimes, while imposing sentences that are severe enough to satisfy the demands of public opinion. Proponents also claim that boot camps have a deterrent affect in addition to the rehabilitative aspects.

Disadvantages: Boot camp programs have not been in place for very long, so empirical evidence of their success or failure is not yet available. Since most programs allow the courts to sentence offenders directly to boot camp programs, net widening may occur. One critic<sup>32</sup> believes that boot camps focus on punishment rather than rehabilitation. In addition, boot camp programs may circumvent due process, in that staff can be excessively abusive, harsh, etc. Another critic<sup>33</sup> expresses concern that "[p]eople go in feeling like Rambo and come out feeling a whole lot like Rambo."

#### CONTRACTED PLACEMENTS

Description: Some states, including Montana, allow the departments of corrections to contract with local jails for placement of inmates. Montana does not currently use this option.

Objectives: The primary objective of contracted placement is to reduce prison overcrowding. The objectives of deterrence,

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<sup>32</sup>Presentation by Mr. Larry Meachum, Commissioner, Connecticut Department of Correction, at the March 14 & 15, 1988 BJA Prison Capacity Workshop in Kansas City, Missouri.

<sup>33</sup>Kim Garrett, Louisiana State Director of the Southern Coalition on Jails and Prisons, in Joan Petersilia, Expanding Options for Criminal Sentencing, (Santa Monica, California: The RAND Corporation, 1987), p. 64.



public safety, and punishment are also achieved with contracted placement.

Participant Profile: Participants must be convicted felons sentenced to prison. Local jails would not be appropriate for offenders with long prison sentences, those requiring mental or physical treatment, those requiring protection from other inmates, or those who are especially violent.

Advantages: Contracted placements can operate as release valves for the prison when it is overcrowded, while still providing adequate security. Inmates may be placed at jails in their home community, offering better chances for developing post-release plans.

Disadvantages: Treatment opportunities are not available at local jails. Placement of offenders with long sentences is not feasible. Availability of jail space is contingent on local sentencing practices and the number of available beds cannot be guaranteed. Costs per day at a local jail are usually equal to or greater than daily prison costs.

#### PRE-RELEASE CENTERS

Description: Pre-release centers are 24-hour community-based residential facilities where inmates may be placed prior to their release into the community from prison. They provide a less restrictive environment than the prison while maintaining adequate security and providing treatment opportunities. Adding additional beds in pre-release centers is an expansion of prison capacity.

Pre-release centers are designed to assist the inmate in the transition from prison to the community after release. Most offer the services of housing, counselling, job training and

placement, education, recreation, and psychological and emotional support. While at a pre-release center, a resident is usually required to be employed, performing community service, or attending a treatment or training program.

Most states have some sort of pre-release program.<sup>34</sup> Five pre-release centers are currently operational in Montana, with an average program completion time of about six months. In order to be placed in a pre-release center in Montana, an inmate must be within 12 months of parole-eligibility or discharge and have at least six months of time remaining to be served.

Objectives: Pre-release centers primarily achieve the goals of rehabilitation, public safety, and deterrence. Their main objective is to assist offenders in the transition back to life in the community after release from prison. The centers also provide a less restrictive alternative than prison.

Participant Profile: The types of offenders accepted into pre-release programs depend on the structure of the program and the community where they are located. In Montana, most pre-release placements are nonviolent offenders. Sex offenders are generally not accepted at pre-release centers in Montana.

Advantages: A pre-release center can shorten the amount of time an offender must spend in prison and in so doing, offer a more effective, humane, and gradual reintegration into the community than if he/she was released directly from the prison. Recidivism may be reduced because of this reintegration. Since pre-release centers are residential facilities, with fairly strict rules and guidelines, public safety concerns can also be satisfied.

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<sup>34</sup>Appendix B provides a listing of characteristics of pre-release programs in the United States.

Disadvantages: Pre-release centers in Montana are used primarily for nonviolent offenders. Placement and start-up of a pre-release center can be difficult due to resistance in having a criminal residential facility located in the community. The average program length in a Montana pre-release center is about six months, which does not allow placement of offenders who are still far from their parole-eligibility dates. In Montana, the average cost per day in a pre-release center is about the same as the cost per day at Montana State Prison. Pre-release centers may increase offender length of stay due to the occasional requirement that an offender must successfully complete the program before a parole is granted.

#### WORK CAMPS

Description: The State of Montana operates the Swan River Forest Camp (SRFC), which is a work camp for 54 inmates. SRFC is a less restrictive, minimum security facility for males 25 years of age or younger who are transferred from Montana State Prison. Expanding SRFC, or building a work camp elsewhere, is an expansion of prison capacity.

SRFC residents provide the work force for the State Forestry Division with most of the work being done in Swan River State Forest. Residents may be trained in the areas of firefighting, timber management, forest stand improvement, carpentry, mechanics, and sawmill operation.

In 1979, the Legislature appropriated approximately two and one-half million dollars for a facility similar to SRFC in the Stillwater State Forest, capable of housing 80 inmates. However, due to public pressure and revised population projections, the project was halted.

Objectives: The goals of rehabilitation, public safety,

deterrence, and punishment are realized in a work camp like SRFC.

Participant Profile: Offenders through the age of 25, who are classified as minimum security inmates at Montana State Prison, are accepted for placement into SRFC. The type of offense committed, i.e., whether it is a non-violent or violent offense, is not necessarily a determining factor in the placement.

Advantages: Work camps can provide offenders with a less restrictive, more physically and psychologically healthy environment than prison. Marketable job skills can be acquired, and treatment services are available. The strict daily regimen that all offenders at SRFC are required to follow can teach self-discipline and instill self-respect, which may help reduce recidivism.

Disadvantages: Community resistance, as evidenced by the failure of the proposed Stillwater facility, would need to be overcome if any expansion were planned. Costs per day at SRFC are higher than costs per day at Montana State Prison.



## APPENDIX A

### Characteristics of the Criminal Justice Systems

Table 1.44 Probation systems' use of probation fees, by characteristics of fees and State, 1984

NOTE: These data were collected through a nationwide survey of State agencies responsible for probation services such as departments of probation, probation and parole, or corrections. Ten jurisdictions surveyed did not respond: Arizona, Arkansas, California, Colorado, District of Columbia, Iowa, Kansas, Louisiana, Massachusetts, and Wisconsin. Probation fees are fees charged to probationers typically used to offset the costs of probation. At the time of the survey none of the responding jurisdictions required a fee for pre-sentence investigations. The Source presents the information as submitted by the responding agencies. No attempt is made by the Source to verify the information received.

State	Probation fee	Fee amount	Waiver circumstances	Fee for drug testing
Alabama	Yes	\$15 per month	Each sentencing judge makes that decision using his individual judgment	Yes--as needed, in jurisdictions where testing capabilities are available
Alaska	No	X	X	No
Connecticut	No	X	X	No
Delaware	No	X	X	No
Florida	Yes	\$20 to \$50 per month	Fees are waived when the offender is unemployed, a student, physically handicapped, hardship or other extenuating circumstances	Probationers are responsible for payment of any drug testing
Georgia	Yes	\$10 to \$15 per month, depending on ability to pay	Where payment of such fee creates undue hardship	No
Hawaii	No	X	X	Yes, the defendant is required to pay costs
Idaho	Yes	\$30 per month	Can be exempt if mentally or physically handicapped or if truly can't find a job	No
Illinois	No	X	X	No
Indiana	Yes	An initial user's fee from \$25 to \$100; a monthly fee of between \$5 and \$15	Fees are not waived for felons, and may be waived for misdemeanants and juveniles	Not applicable--handled at the county level
Kentucky	Yes, at the option of the court	Misdemeanor \$100 to \$500; felony \$500 to \$2,500	Student, unemployed, handicapped, responsible for dependents (undue hardship), diligently attempted to find work but unable, other financial reasons	No
Maine	No	X	X	Cost is borne by the probationer--usually directly to agency doing the testing
Maryland	No	X	X	No
Michigan	No	X	X	No
Minnesota	No	X	X	Yes--paid for by the agency
Mississippi	Yes	\$15 per month	Inability of offender to pay as determined by sentencing court	No
Missouri	No	X	X	No
Montana	No	X	X	No
Nebraska	No	X	X	No
Nevada	Yes	\$12 per month for supervision only	Economic hardship	No
New Hampshire	No	X	X	No
New Jersey	No	X	X	No

Table 1.44 Probation systems' use of probation fees, by characteristics of fees and State, 1984--Continued

State	Probation fee	Fee amount	Waiver circumstances	Fee for drug testing
New Mexico	Yes	\$15 to \$85 per month, according to financial ability	Financial hardship	Yes
New York	No	X	X	No
North Carolina	Yes	\$10 per month	X	Do not do periodic drug testing; but whenever required by courts a fee is involved (sometimes paid by client and other times by testing agency)
North Dakota	No	X	X	No
Ohio	No	X	X	Yes
Oklahoma	Yes	\$15 per month	If legitimate hardship is verified	Agency assumes cost of all client urinalysis
Oregon	Yes	Fee specified by sentencing court or Board of Parole. If no fee set, fee is at least \$10 per month	In cases of financial hardship or when in the interest of the person's rehabilitation	No
Pennsylvania	No	X	X	No
Rhode Island	No	X	X	No
South Carolina	Yes	\$120 per year	Fee exempted if hardship determined by judge	NA
South Dakota	Yes	That amount deemed to be reasonable based upon probationer's ability to pay	Not mandatory to order fees; therefore, waiver not needed	Yes--probationers pay
Tennessee	Yes	\$5 to supervision fund and \$30 to criminal injuries fund each month	For hardship reasons (disability, excessive medical)	No
Texas	Yes	\$0 to \$15 per month, as ordered by judge	Judge may waive if probationer is unemployed and cannot pay the fee	No
Utah	No	X	X	No
Vermont	No	X	X	No
Virginia	Yes	\$15 per month	Financial hardship as determined by judge	No
Washington	Yes, effective July 1, 1985	\$15 to \$50 per month	Unemployment and lack of other resources; physical/mental handicap	No
West Virginia	No set fee for being placed on probation --fees are for court costs and restitution	Fees for felonies or misdemeanors based on offense--if restitution is ordered or a fine the court may impose	After fees are set a payment schedule is set up. Payments are scheduled in amount probationer is able to pay each month	Yes, probationer pays for drug test
Wyoming	No	X	X	No

Source: Contact Center, Inc., Corrections Compendium (Lincoln, Neb.: Contact Center, Inc., December 1984), pp. 4, 7-10. Table adapted by SOURCEBOOK staff. Reprinted by permission.

## APPENDIX B

### Characteristics of the Criminal Justice Systems

Table 1.52 Characteristics of prison pre-release programs, by jurisdiction, 1984

NOTE: This information was collected through a survey mailed to the departments of corrections in the 50 States, District of Columbia, Guam, and the Federal Bureau of Prisons. Seven jurisdictions did not respond to the survey: Alabama, Iowa, Louisiana, New Jersey, Ohio, Tennessee, and Guam. Pre-release programs refer to programs that attempt to prepare inmates for their return to the community. These include programs within the prison that emphasize training in areas such as employment, communication and money management, and programs that provide transfer to community halfway houses or residential centers prior to actual mandatory release or release on parole. The Source presents the information as submitted by the responding agencies. No attempt is made by the Source to verify the information received.

Jurisdiction	Presence of formal pre-release programs	Eligibility criteria	Role of other agencies and/or volunteers
Alaska	No	X	Contact with private agencies to provide pre-release residential programs. Also utilize Christian residential programs as voluntary furlough replacements at no cost to the state.
Arizona	No	X	X
Arkansas	Yes	Inmate must have a projected release date of not more than 120 days at a time of transfer; must not have pending felony detainees; have not been convicted of a sex offense or exhibited a history of abnormal sexual behavior while incarcerated; does not have a pending major disciplinary charge; and does not require special medical consideration which cannot be handled by the unit/center.	The Arkansas Employment Security Division (outside agency) assists in obtaining employment for pre-release inmates and assists with transportation for them to and from job interviews. Outside community volunteers provide religious activities and some counseling.
California	Yes	This education program is to be completed by inmates no less than 15 days or no more than 45 days before parole from the institution.	Outside agencies such as the Employment Development Department, Social Services, and community based organizations are utilized to deliver pre-release services to inmates. Outside agencies are not paid.
Colorado	No <sup>a</sup>	X	X
Connecticut	Yes	Within 3 months of release if not going out on other release.	Both outside agencies and volunteers are involved considerably.
Delaware	Yes	Six months to release--selection by classification committee.	Groups such as Al-A-Non, National Alliance of Businessmen, Wilmington Skills Center, Planned Parenthood are involved.
District of Columbia	Yes	Felons must be within 6 months of parole; misdemeanors within 1 year of release and pretrial cases within 3 months of adjudication.	Community Services contracts with private agencies to operate pre-release programs in the community in addition to department-operated programs.
Florida	Yes	Immediately prior to participation in community work release prior to release from community correctional centers.	Citizen volunteers are utilized as well as other community private and State agencies.
Georgia	Yes	Selected inmates within 6 months of parole or release.	Limited.
Hawaii	Yes	Based upon the division's classification system, inmates must achieve community custody status.	Supplement case workers in assisting inmates in job seeking and skills development.

See footnote at end of table.

Table 1.52 Characteristics of prison pre-release programs, by jurisdiction, 1984--Continued

Jurisdiction	Presence of formal pre-release programs	Eligibility criteria	Role of other agencies and/or volunteers
Idaho	Yes	Within 6 months of release.	Used extensively.
Illinois	Yes <sup>b</sup>	Between 2 months and 260 days left on sentence, minimum security, no outstanding warrants, and no history of escape in last 5 years.	Five of the work release centers are operated through contractual agreements with private agencies, such as the Salvation Army and Safer Foundation. In addition, outside agencies also have a role in the employment and education of center residents.
Indiana	Yes	Previously, the criteria for participation was that an offender be a male felon within 40 days of release and that he not be assigned to a work release center. At this time, however, the entire program is under review and no new criteria have been established.	Several outside groups or agencies come into the pre-release program regularly. These people instruct classes for the offenders in the program. The program has relied heavily on support from the surrounding communities to provide expertise in various areas.
Kansas	(c)	Men within 90 days of parole eligibility, minimum custody.	Anticipate that it will be significant.
Kentucky	No	X	X
Moine	Yes	Inmate must be classified minimum security and be within 6 months of release or parole.	Volunteers are used at various work sites for those inmates who are out on work release, Alcoholics Anonymous programs, counseling programs, visitation programs are handled by volunteers at the various pre-release centers.
Maryland	Yes	Twelve months from next parole hearing or expiration date; maintain on infraction free adjustment for a minimum of 6 months; 1st and 2nd degree sex offenses are precluded along with those convicted of three serious offenses with at least one prior commitment.	Provide various services, including employment readiness, drug and alcohol therapy, vocational training, and some psychological services.
Massachusetts	Yes	As required by Massachusetts General Law, inmates must be within 18 months of their parole eligibility date to participate in a pre-release program. In addition to statutory eligibility, an inmate must also be judged suitable for pre-release participation by the department.	Contracts with several outside agencies that provide the department with 203 additional pre-release beds.
Michigan	Yes <sup>d</sup>	NA	Assist with job finding and training.
Minnesota	Yes	Recommended and approved by classification teams; granted work release status by Office of Adult Release. A three-week program taking place the last three weeks prior to release from incarceration is mandatory for some inmates.	Outside agencies and volunteers provide workshops, discussion groups, and classes. Also residence and employment seeking assistance, and transportation services.
Mississippi	Yes	Eligibility determined based on a date computed on the basis of a percentage of the time served on a sentence. Executive committee or parole board review the inmate and consider him/her for some type of release program.	Utilize many outside groups and agencies, including local churches, and organizations, Alcoholics Anonymous, Veteran's Administration, Social Security agency, Salvation Army, State Mental Health Agency.



Table 1.52 Characteristics of prison pre-release programs, by jurisdiction, 1984--Continued

Jurisdiction	Presence of formal pre-release programs	Eligibility criteria	Role of other agencies and/or volunteers
Missouri	Yes	For Honor Center, within 1 year of release date and level one security. For halfway house, within 90 days of release and level I security.	Varies, as pre-release process continues at 2 Honor Centers and 17 halfway houses. Volunteers are encouraged as are outside agencies, both government and private.
Montana	Yes	Within 12 months of parole eligibility present offense must be non-violent, no detainers, minimum security.	Volunteers assist with clerical functions, work working class, and treatment groups.
Nebraska	Yes	Pre-release programming begins at the time of admission; however, specific skill training begins during the last 3 months prior to release.	Volunteers are utilized to provide training and counseling in various areas.
Nevada	Yes	All inmates receive a half-day pre-release class upon receipt of a parole date approval. Some inmates are referred to the "Street Readiness Program" held for 3 weeks, 3 hours a day, once each month.	The "Street Readiness Programs" are staffed entirely by volunteers at three prisons. Division is still in the process of expanding this program.
New Hampshire	Yes	Within 6 months of their early release date.	Counseling and other functions.
New Mexico	Yes	Pre-release programming is provided at only one facility. Requirements are that the inmate be within 60 days of release or going on work or school release in the community.	Various community groups and private and public educational institutions provide life skills training and career and educational counseling to pre-release inmates.
New York	Yes	Incarcerated offenders within 90 to 120 days of the parole hearing.	Community resources are utilized into the program as presenters, participants, role models and placement agencies.
North Carolina	Yes	Within 24 months of end of sentence; additional selection criteria includes no major infractions within the last 90 days, minimum custody level II, mentally and physically able to benefit from the program, and have an expressed interest in the program.	Extensive use of community agency resources and volunteers to provide specialized training and counseling to the pre-release training participants.
North Dakota	No	X	X
Oklahoma	Yes	For one program inmate must be within 30 to 120 days of projected discharge; classified minimum security; not actively psychotic; not enrolled in vocational training program. For the other program inmates must be within 90 to 120 days of parole or discharge.	Outside agencies provide speakers to inform inmates about available services. Individual volunteers play no role.
Oregon	Yes	Inmate must be within 6 months of an established release date and must be minimum custody.	Utilize practicums and volunteers for counseling, inmate club activities and religious services. Also present a release services seminar twice a month which relies almost solely on volunteer instruction.
Pennsylvania	Yes	Completion of half of minimum sentence, exemplary conduct record, approval of sentencing judge.	Some contracts with special programs and private halfway houses and group homes.

Table 1.52 Characteristics of prison pre-release programs, by jurisdiction, 1984--Continued

Jurisdiction	Presence of formal pre-release programs	Eligibility criteria	Role of other agencies and/or volunteers
Rhode Island	Yes	Voluntary programs for all inmates who are within 90 days of release (parole or release date) except for those classified to the High Security Center or in disciplinary segregation.	Volunteer guest speakers from community service agencies are utilized to provide workshops, lectures, and counseling services that comprise the 15-hour program which covers areas such as family, financial planning, job searching, substance abuse, etc.
South Carolina	Yes	No detainees, participation is during final 30 days of incarceration, prior to good time release. Parole Board may specify participation prior to effecting parole.	Approximately 75 percent of all pre-release programming is conducted by other agencies and volunteers. They are the primary providers of all such services.
South Dakota	No	X	X
Texas	Yes <sup>e</sup>	Mandatory supervision inmates within 6 months of expected release date.	Used as resource persons and speakers to cover various components of the pre-release curriculum.
Utah	Yes	Within a certain time frame of expected date of release.	NA
Vermont	Yes	Community level security/custody within 6 months of minimum release date, has met case plan objectives if assessed high need in indexed areas such as substance abuse, emotional stability, sexual behavior.	NA
Virginia	Yes	Inmates within 6 months of their mandatory parole release date; inmates within 6 months of their discharge date; inmates within 6 months of their parole eligibility date on a space available basis.	NA
Washington	Yes	Inmates must be in full minimum custody without restrictions. Typically, inmates are assigned to work release within 6 to 9 months preceding an established parole date. Inmates with histories of violence must be screened at the headquarter's level of the department.	Thirteen of 19 pre-release facilities are operated under contract with private nonprofit community organizations. Volunteers from these and other agencies provide support services (such as sponsorship, religious, recreational, etc.) to the residents.
West Virginia	Yes	Men are eligible for selection and transfer to a work/study release center if have served at least 1 year of sentence or appeared before the parole board. Inmates must be within 6 months of probable release. Female inmates must have served at least 9 months of sentence within the State Prison for Women (or Federal institution) and be within 24 months of probable release. Classification Board selects inmates who meet this basic criterion.	NA
Wisconsin	Yes	Generally made available to offenders within 2 months of release.	Some programs bring in volunteers to give presentations, others use volunteers to accompany offenders outside the institution for a special orientation, job interview or family visit.
Wyoming	Yes	Some are ongoing programs upon initial custody classification assignment; others require inmate to be within 1 year of release.	Have a major role in pre-release programming.

See footnotes at end of table.

Table 1.52 Characteristics of prison pre-release programs, by jurisdiction, 1984--Continued

Jurisdiction	Presence of formal pre-release programs	Eligibility criteria	Role of other agencies and/or volunteers
Federal Bureau of Prisons	Yes	An inmate's preparation for release actually begins at the time he/she is committed to the institution, when cases and release needs are looked at. A formal pre-release program is initiated approximately 6 months prior to the inmate's release.	Outside agencies and volunteers play a vital role in pre-release programming. Included are U.S. Probation Offices, Community Programs, local resource personnel deemed appropriate for disseminating information that concerns pre-release programming.

<sup>a</sup>No "pre-release." Does operate large community corrections program to include 2 State-operated centers and 14 private contractors located throughout State.

<sup>b</sup>Work release programs in community correctional centers.

<sup>c</sup>To be implemented in summer of 1984.

<sup>d</sup>Primarily through community half-way house program.

<sup>e</sup>Three institutions.

<sup>f</sup>At the Huttonsville Correctional Center.

Source: Contact, Inc., *Corrections Compendium* (Lincoln, Neb.: Contact, Inc., March 1984), pp. 4-9. Table adapted by SOURCEBOOK staff. Reprinted by permission.

